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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,553	09/25/2003	Toshimitsu Kaneko	243083US2RD	4015
22850 7590 09/18/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SCHNURR, JOHN R				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
09/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/669,553

Applicant(s)

KANEKO ET AL.

Examiner

JOHN R. SCHNURR

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/24/2008 has been entered.

DETAILED ACTION

2. Claims 12-14 and 18 are pending and have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 12-14 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **12-14 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Levy et al. (US Patent Application Publication 2002/0162118)** in view of **Katcher et al. (US Patent 7,120,924)**, herein Katcher, further in view of **Choi (US Patent Application Publication 2004/0123109)**.

Consider **claim 12**, Levy clearly teaches a server device capable of accessing a hypermedia-data client device through a network, comprising:

a metadata storage unit to store metadata having information related to the contents of an image corresponding to each time stamp of a moving image to be played back by the client device; **(Fig. 4: Database 112 maintains the interactive data, [0054], which is related to the contents of the image based on timestamps, [0100].)**

a time-stamp receiving unit to receive the time stamp of the image to be played back, the time stamp being transmitted from the client device; **(The STB transmits the content identifier and timestamp data to the server, [0081].)**

a metadata transmission unit to transmit the stored metadata to the client device by streaming distribution in synchronization with the playback of the image in accordance with the received time stamp. **(The STB receives the interactive data from the server, the interactive data is chosen based on the timestamp and streamed to the STB, [0098]-[0100].)**

a position-correspondence-table storage unit to store position-correspondence table in which a time stamp and a storage position of metadata related to the time stamp are in correspondence with each other; **(Table 4: Timestamp and metadata storage position are associated, [0100])**

wherein, upon receiving playback start time for the moving image, the metadata transmission unit sequentially sends the metadata by streaming distribution from a metadata storage position specified with reference to the position-correspondence table. **([0100])**

However, Levy does not explicitly teach the metadata including:

object-area data specifying the area of an object appearing in the image corresponding to the time stamp; and

data specifying contents to be displayed when the area specified by the object- area data is designated, or an action to be performed when the area specified by the object-area data is designated;

In an analogous art, Katcher, which discloses a system for interactive television, clearly teaches object-area data specifying the area of an object appearing in the image corresponding to each time stamp; and data specifying contents to be

displayed when the area specified by the object-area data is designated or an action to be performed when the area specified by the object-area data is designated. **(Mask data, location, and annotation data, data specifying contents, are transmitted to the STB and displayed in response to user input, column 4 lines 34-48.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Levy by specifying a location in the metadata, as taught by Katcher, for the benefit of creating hyperlinked programming in which information is associated with one or more regions of the screen (column 1 lines 33-43 Katcher).

However, Levy combined with Katcher does not explicitly teach transmitting only a single unit of metadata when a plurality of metadata appear in the same time stamp.

In an analogous art, Choi, which discloses a system for streaming metadata, clearly teaches selecting only a predetermined metadata fragment from a plurality of metadata fragment data for insertion into a metadata stream. **([0045]-[0046])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Levy combined with Katcher by transmitting only a single metadata fragment per time stamp, as taught by Choi, for the benefit of effectively and efficiently authenticating metadata ([0006] Choi).

Consider **claim 13**, Levy combined with Katcher and Choi, as in claim 12, clearly teaches the metadata transmission unit adjusts a timer time to be used when the metadata to be distributed and the distribution timing are determined in accordance with the received time stamp. **(The STB and server are synchronized, [0048] Levy.)**

Consider **claim 14**, Levy combined with Katcher and Choi, as in claim 12, clearly teaches when the metadata to be distributed and the distribution timing are determined, the metadata transmission unit determines the transmission timing of partial data in the metadata by using data-transmission interval calculated from the timer time and the data transfer speed of the streaming distribution and an allowed time difference between the time stamp and the partial data of the metadata to be transmitted next. **(The meta data is transmitted for specific time intervals, therefore the server must compensate for the transmission delay in order to ensure the metadata arrives before the set interval, [0100] Levy.)**

Consider **claim 18**, see claim 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

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/Christopher Grant/

Supervisory Patent Examiner, Art Unit 2623